

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MILTON RODGERS,

Plaintiff,

v.

Case No. 05-C-229

TOM MICHLOWISKI, Medical Director
of Health and Family Services, *et al*,

Defendant.

ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

The Plaintiff Milton Rodgers, a patient under Wis. Stat. Chapter 980 at the Wisconsin Resource Center, commenced this action under 42 U.S.C. § 1983, alleging that the defendants failed to properly diagnose his glaucoma. The defendants have filed an answer to the complaint and Rodgers has now filed a motion for summary judgment. In his brief in support of his motion for summary judgment, Rodgers states he has sufficient evidence to prevail and then sets forth the law governing the determination of such motions. There are no evidentiary materials filed in support of the motion.

Defendants' have moved to strike Rodger's motion because it fails to comply with the Federal Rules of Civil procedure and the Local Rules applicable to such motions. *See* Fed. R. Civ. P. 56 and Civil L.R. 7.1 and 56.2. They point out that Rodgers has failed to submit any proposed findings of fact or a stipulation of facts upon which such a motion must be based.

Defendants' are correct in their assessment of plaintiff's motion. They should not have to expend time and effort to respond to a motion that fails to comply with minimal procedural

requirements for summary judgment. Rather than strike plaintiff's motion, however, I will simply deny the plaintiff's motion summarily. It is clear from the record in this matter, including the absence of any evidentiary materials, that plaintiff has failed to establish a *prima facie* case for summary judgment. Accordingly, his motion is denied.

SO ORDERED.

Dated this 9th day of July, 2005.

s/ William C. Griesbach

William C. Griesbach
United States District Judge